

Rigid Plastic Packaging Container (RPPC) Proposed Regulations

Public Workshop

June 22, 2011

Workshop Agenda



10:00 Introductions and Overview

10:15 Follow-up on Proposed Revisions

(as presented June 8th) for the:

Postconsumer Definition

RPPC Definition

Certification Process Timelines

Compliance Formulas

Penalty Formulas

Resin Switching

Workshop Agenda (cont.) **CalRecycle**

Additional Proposed Revisions:

- 10:45 Proposed Revisions to the Waiver Process Section (Handout 1)
- 11:00 Proposed New Subsection: Penalties for Incompleteness or Inaccuracies (Handout 2)
- 11:30* Proposed New Definitions (Handout 3) for:
 - Product Line
 - Product Sub-Line
 - Container Line
 - Concentrated Product
- 1:00 Wrap-up (or Lunch Break)

Previous Workshop Topics



- Postconsumer Definition
- RPPC Definition
- Certification Process Timelines
- Compliance Formulas
- Penalty Formulas
- Resin Switching

Proposed Revisions



- **Section 17943 (m) – Postconsumer Definition**
 - No new or proposed revisions at this time.
- **Section 17945.3 (d) – Product Manufacturer Certification**
 - No new or proposed revisions at this time.
- **Section 17945.4 (c) – Container Manufacturer Certification**
 - No new or proposed revisions at this time.

Proposed Revisions (cont) **CalRecycle**

- **17943 (t)– RPPC Definition**
 - No new or proposed revisions at this time.

Proposed Revisions (cont) **CalRecycle**

- **17945.1 – Precertification Process**
 - No new or proposed revisions at this time.
- **17945.2 – Compliance Certification**
 - No new or proposed revisions at this time.

Proposed Revisions (cont) **CalRecycle**

- **17945.5 – Compliance Calculations & Formulas**
 - No new or proposed revisions at this time.
- **17949 – Violations & Penalties Formulas**
 - No new or proposed revisions at this time.

- **Resin Switching:**

- **Material Type 17943 (f)**

- No new or proposed revisions at this time.

- **Source Reduced Container 17943 (w)**

- At the direction of the CIWMB*, the proposed regulations do not include resin switching as a source reduction option.

* California Integrated Waste Management Board (CIWMB) was the predecessor to CalRecycle

Proposed Revisions

Questions?

Additional Proposed Revisions



Proposed Revisions to the Waiver Process

Waiver Process

Statute

Per Public Resources Code (PRC) 42330(c) the Department shall grant a one-year waiver from meeting the compliance requirements of PRC 42310 for products in RPPCs introduced and sold in California after Jan. 1, 1995 (i.e., “newly introduced products”)

Current Regulations

- 17944.2 re-states the waiver conditions of statute, and
- Sets out a process for PMs to request a waiver for newly introduced products including a signed affidavit of when it was introduced
- Requires the Department to respond within 60 days

Waiver Process



Proposed Regulations 14 CCR 17946

Outlines the Waiver process including:

- Reiterating that the waivers are for 12 months after the date of product introduction
- Outlining what the product manufacturer must provide in its petition including:
 - Product information
 - Contact information
 - Documentation of its “newly introduced” status
- Giving the Department 60 days to respond

Waiver Process



See Handout 1

for Section 17946 - Waivers

[http://www.calrecycle.ca.gov/Laws/
Rulemaking/RPPC/default.htm](http://www.calrecycle.ca.gov/Laws/Rulemaking/RPPC/default.htm)

Proposed Revisions 14 CCR 17946

- (a) Clarifies that the waiver will be granted pursuant to the petition process in (c)
- (b) Clarifies that the waiver is for 12 months from the date of product introduction
- (c) Specifies a deadline for product manufacturers to request a waiver of 60 days after receiving the certification notice
- (d) Updates the signature format to provide for future electronic submissions

Any questions on the
Proposed Revisions to the Waiver
Process?

Additional Proposed Revisions



Proposed new subsection:
Penalties for Incompleteness
or Inaccuracies

Penalties for Incompleteness or Inaccuracies



Current Regulations 14 CCR 17949

- (c) summarizes the various violations and penalty amounts:
 - (1) – Non-compliance
 - (2) – Late certification
 - (3) – Incomplete or inaccurate certification
 - (4) – False or misleading information

Penalties for



Incompleteness or Inaccuracies

Current Regulations 17949

- (d) details how Violation 1 (non-compliance) penalty amounts are determined
- (e) details how Violation 2 (late cert) penalty amounts are determined

Penalties for Incompleteness or Inaccuracies



Proposed Regulations 14 CCR 17949

- (d) still summarizes the various violations and general penalty amounts, with some minor clarifications
- (e) and (f) detail how Violation 1 (non-compliance) penalty amounts are determined
- (g) details how Violation 2 (late cert) penalty amounts are determined

Penalties for Incompleteness or Inaccuracies



See Handout 2
for Section 17949 (d), (f) and (g) –
Penalties

[http://www.calrecycle.ca.gov/Laws/
Rulemaking/RPPC/default.htm](http://www.calrecycle.ca.gov/Laws/Rulemaking/RPPC/default.htm)

Penalties for

Incompleteness or Inaccuracies



Proposed Revisions 14 CCR 17949

- In (d), for Violation 3, add reference to new subsection (g)
- Add new subsection (g) to show how penalties will be assessed for Violation 3
- In (g)(1) give examples of how the degree of incompleteness and inaccuracy will be assessed

Penalties for Incompleteness or Inaccuracies



Any questions on this additional
proposed new subsection:
Penalties for Incompleteness or
Inaccuracies?

Additional Proposed Revisions



Proposed New Definitions

Proposed New Definitions



Statute and Current Regulations

- Public Resources Code (PRC) 42301 provides basic definitions for the program
- 14 CCR 17943 defines additional terms used in the program

Proposed New Definitions



See Handout 3 –
for additional definitions in
Section 17943

[http://www.calrecycle.ca.gov/Laws/
Rulemaking/RPPC/default.htm](http://www.calrecycle.ca.gov/Laws/Rulemaking/RPPC/default.htm)

Proposed New Definitions



Proposed Revisions 14 CCR 17943

Add definitions for:

- The “lines” commonly referred to in the program:
 - “Product Line” – a family of related products
 - “Product Sub-Line” – a group of related products within a product line
 - “Container Line” – a group of identical RPPCs holding the same product
- “Concentrated Product”

Proposed New Definitions



Any questions on the
proposed new definitions?

Additional Proposed Revisions



Thank you for all of your
comments! We will
consider each of them as
we wrap up our revisions.